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L A W Y E R S

E-Filed on 1/2/09

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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,
LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING
OBJECTION OF THE USACM
LIQUIDATING TRUST TO PROOF OF
CLAIM OF SHERMAN SIMMONS
FILED IN WRONG DEBTOR'S CASE;
OBJECTION OF DTDF TO PROPOSED
ALLOWANCE OF PROOF OF CLAIM**

Hearing Date: February 3, 2009

Hearing Time: 9:30 a.m.

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
THAT YOU FILED. PLEASE DO NOT CONTACT THE CLERK OF THE
BANKRUPTCY COURT TO DISCUSS THE MERITS OF YOUR CLAIM.
QUESTIONS REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A**

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

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CLAIM SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP CONSULTING, LLC (602-424-7009) OR TO THE UNDERSIGNED COUNSEL.

NOTICE IS HEREBY GIVEN that the USACM Liquidating Trust by and through its counsel, has filed an Objection to Proof of Claim No. 10725-00370 filed by a Sherman Simmons (the "Objection"). The USACM Trust respectfully requests that the Court enter an order pursuant to § 502 of title 11 of the United States Code (the "Bankruptcy Code"). disallowing Claim No. 10725-00370 filed by Sherman Simmons in its entirety on the ground that it a filed in the wrong debtor case. USA Capital Diversified Trust Deed Fund ("DTDF") objects to any allowance of Sherman Simmons' claim as a claim against the DTDF estate, and appropriately allow Sherman Simmons to retain an equity interest in the amount as reflected in the books and records of DTDF as of April 13, 2006.

NOTICE IS FURTHER GIVEN that the hearing on the Objection will be held before the Honorable Linda B. Riegler, U.S. Bankruptcy Court Judge in the Foley Federal Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on **February 3, 2009, at the hour of 9:30 a.m.**

NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON FEBRUARY 3, 2009, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE HEARD ON THAT DATE.

NOTICE IS FURTHER GIVEN that any response to the Objection must be filed by **January 27, 2009,** pursuant to Local Rule 3007(b), which states:

If an objection to a claim is opposed, a written response must be filed and served on the objecting party at least 5 business days before the scheduled hearing. A response is deemed sufficient if it states that written documentation in support of the proof of claim has already been provided to the objecting party and that the documentation will be provided at any evidentiary hearing or trial on that matter.

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If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: January 2, 2009.

LEWIS AND ROCA LLP

By: /s/ RC (#6593)

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John Hinderaker, AZ 18024

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Counsel for USACM Liquidating Trust

Copy of the foregoing e-mailed
or mailed via First Class U.S. Mail to
the following party on January 2, 2009 to:

Sherman Simmons
3725 Industrial Road
Las Vegas, NV 89109

By /s/ Yvonne Garcia

Yvonne Garcia,
Lewis and Roca LLP